

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

APPISTRY, INC.,

Plaintiff,

v.

AMAZON.COM, INC. AND AMAZON  
WEB SERVICES, INC.,

Defendant.

Case No. 2:15-cv-01416-RAJ

**PLAINTIFF'S RESPONSE TO  
DEFENDANTS' MOTION TO  
REASSIGN CASE TO CHIEF JUDGE  
MARSHA J. PECHMAN**

NOTING DATE: October 2, 2015

Plaintiff Appistry, Inc. responds to Defendants' Motion to Reassign This Case to Chief Judge Marsha J. Pechman (Doc. No. 24) as follows.

The statements recited in Defendants' Motion require two important clarifications. Appistry does not dispute that this is a related case and the patents in this case are related to the two patents in *Appistry, Inc. v. Amazon.com, Inc., et al.*, Case No. 2:15-cv-00311-MJP (W.D. Wash.). However, contrary to Defendants' assertion, there are substantial differences in the facts that the Court considered in the prior case when ruling on Defendants' Motion for Judgment on the Pleadings. First, the complaint in the instant case includes numerous additional factual statements which must be taken as true for the purposes of any Rule 12 motion contemplated by Amazon, including statements regarding the two patents-in-suit by an expert. Second, the presently asserted patents-in-suit contain claims that, while directed to similar subject matter, recite different and/or additional elements than the previously asserted patents, thus requiring a different analysis than that in the prior case.

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO  
REASSIGN CASE TO CHIEF JUDGE MARSHA J. PECHMAN - 1  
2:15-CV-01416-RAJ

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Appistry believes either Judge Jones or Chief Judge Pechman is acceptable.

DATED: September 16, 2015

Respectfully submitted,

**LANE POWELL PC**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 16th day of September, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Executed on the 16<sup>th</sup> day of September, 2015, at Seattle, Washington.

/s/ Jackie Brown

Jackie Brown